

REMARKS

Claims 2-5 and 8-26 are pending. In this Amendment, claims 1, 6, 7 and 20 have been cancelled, claims 2 and 3 have been amended to incorporate subject matter of cancelled claim 1 and claim 4 has been amended in independent form including all of the limitations of the base claim and any intervening claims. Claims 8-19 and 21-26 are withdrawn pursuant to a restriction requirement. Care has been exercised not to introduce new matter.

Applicant notes with appreciation that claims 4 and 5 were indicated to be allowable if rewritten in independent form.

Rejections of Claims Under 35 U.S.C. § 101

Claim 20 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 20 has been cancelled and the rejection is rendered moot.

Rejections of Claims Under 35 U.S.C. § 102

Claims 1, 6 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mizutani et al. (JP 2002-082612, hereinafter “Mizutani”). Claims 1, 6 and 7 have been cancelled and the rejection is rendered moot.

Rejections of Claims Under 35 U.S.C. § 103

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mizutani. Claim 20 has been cancelled and the rejection is rendered moot.

Double Patenting Rejection

Claims 2 and 3 were rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 5 of copending Application No. 11/222,776. Enclosed herewith is a terminal disclaimer to overcome the imposed rejection. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 2 and 3 under the judicially created doctrine of obviousness-type double patenting.

Allowable Subject Matter

Claims 4 and 5 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. As claim 4 has been rewritten in independent form, Applicant submits that claims 4 and 5 are in condition for allowance.

Claims 2 and 3 have also been rewritten in independent form. Because a Terminal Disclaimer has been filed concurrently with this Amendment, Applicant submits that claims 2 and 3 are also in condition for allowance.

Conclusion

Upon entry of the above claim amendments, claims 2-5 remain active in this application. Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

Application No.: 10/698,409

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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